

APPROVED MEETING MINUTES
REGULAR MEETING OF THE
CITY OF ALAMEDA PLANNING BOARD
MONDAY, SEPTEMBER 28, 2009
Revised

1. CONVENE: President Ezzy Ashcraft called the meeting to order at 7:09 p.m.
2. FLAG SALUTE: Board Member Lynch
3. ROLL CALL: PRESENT: President Ezzy Ashcraft, Board members Cook, Cunningham, Kohlstrand, Lynch, and Zuppan.

ABSENT: Vice-President Autorino
4. MINUTES: Minutes from the meeting of August 24, 2009 (Pending)
Minutes from the meeting of September 10, 2009 (Pending)
5. AGENDA CHANGES AND DISCUSSION:
Applicant requested that Item 9-C be continued to the meeting of October 12, 2009 – Approved 6-0
6. STAFF COMMUNICATIONS:

6-A Future Agendas
Staff presented an overview of the upcoming projects.

6-B Zoning Administrator Report
No actions taken at the September 22, 2009 Zoning Administrator hearing.
7. ORAL COMMUNICATIONS:
None.
8. CONSENT CALENDAR:

8-A Design Review – DR05-0132 - for a new single family dwelling – 3295 Adams Street – Applicant – Forrest Reed. The applicant proposes to construct a two-story single family dwelling with an attached garage on a vacant corner lot. Staff is requesting continuance to the October 26, 2009 Planning Board Meeting to allow applicant time to revise the project drawings.

Board member Cook motioned, Board Member Lynch seconded, to continue item 8-A to the meeting of October 26, 2009. Motion passes 6-0.
9. REGULAR AGENDA ITEMS:

9-A Rezoning – PLN09-0222- Applicant - City of Alameda. A rezoning of property located at 1523 and 1501 Entrance Road/Buena Vista Avenue (Encinal Terminals and Del Monte Warehouse) from M-2, General Industrial (Manufacturing) District, to

M-X Mixed Use Planned Development District to conform to the General Plan Mixed Use Designation.

Zoning Text Amendment – PLN09-0243- M-X Zoning District Regulations - Applicant: City of Alameda. A proposed text amendment to the M-X Mixed Use Planned Development District zoning regulations to allow for application for interim use permits prior to approval of a master plan for the property under certain conditions.

Use Permit – PLN09-0184 – Applicant - Chengben Wang for Encinal Terminals – A request to approve an amendment of the existing use permit UP-94-06 to allow for limited use of the site located at 1523 Entrance Road/Buena Vista Avenue (Encinal Terminals) until August 31, 2012.

Staff presented the project.

Board member Cook asked for clarification on the MX-rezoning procedure, Interim Use Permits, and review process.

Board Member Zuppan requested clarification on the annual review of the interim use permit.

Mr. Gold, attorney for Mr. Wang, spoke in favor of the project and described the outreach effort to the neighborhood and requested that the Board grant the extension of the Use Permit.

President Ezzy Ashcraft asked for clarification on the number of trucks that could be attributed to the variety of uses being considered under the proposed use permit amendment. Mr. Gold stated that the total number of trucks allowed under the use permit would be 50 per day, regardless of the type of use.

President Ezzy Ashcraft opened the public comment period.

Mr. Rickart, neighbor, stated that there should be a height limit on the outdoor storage of goods and materials in order to minimize impacts to sight lines and the public view shed across the site. He also spoke in favor of a Master Plan that would allow creative flexibility in the future use of the site.

President Ezzy Ashcraft closed the public comment period.

Board member Cook motioned, seconded by Lynch to recommend the rezoning of the site from M-2, General Industrial (Manufacturing) District, to M-X, Mixed Use to the City Council. Motion passes 6-0.

Board member Cook motioned, seconded by Board Member Lynch, to recommend the Zoning text amendment for the Mixed Use zoning regulations to the City Council. Motion passes 6-0.

The Board proceeded to discuss the Use Permit amendment to allow limited uses at

Encinal Terminals until August 2012.

Board member Cunningham proposed that the Board provide some specific guidance that could guide future decision makers as to what should be done with this site if the economy does not improve and the applicant returns to the Board requesting another extension of the use permit, assuming the Master Plan is not completed by 2012. Staff stated that the City will closely work with the property owner on the development of a Master Plan for the site.

The board discussed the proposed height limits for interim uses and agreed that stacked items should be limited to 15 feet, but that individual items that are not stacked, such as a sailboat could exceed the 15 foot limit.

Board member Lynch introduced the discussion of short-term storage of transit buses. He stated that there was a large municipal bus service actively looking for land to lease to store their buses. He said that there were environmental concerns which is why the bus companies are looking for storage. Board Member Lynch expressed concern about that problem arising in Alameda. He invited Mr. Gold, attorney for Mr. Wang, to address the issue.

Mr. Gold recommended that the Board allow long-term bus storage, but to preclude short-term (daily) bus storage to avoid daily traffic.

Following a review, the Board modified the conditions of approval for the project so they read as follows:

1. The occupants of the site shall comply with all conditions of Use Permit UP-94-06 as modified by Resolution PB-09-09 adopted on July 13, 2009 unless modified by the following conditions in which case the following conditions shall supersede conditions in UP-94-06.
2. All container storage and repair activities must be terminated by August 3, 2010.
3. Between August 3, 2010 and August 3, 2012, the following uses may be permitted on the site:
 - a. Special events. Farmers markets, flower markets, maritime sales, movie and other entertainment production, art shows and other outdoor events, exhibits and shows, subject to obtaining a Special Event Permit. Special event uses must provide parking exclusively on site or a combination of on site and nearby private or valet parking not impacting public streets.
 - b. Outdoor storage. Boats, watercraft, automobiles, RV's, chassis, trailers, automotive equipment, vehicles, buses, trucks, mobile homes, construction equipment and materials (for businesses, homes, commercial and/or household goods) and ancillary uses, including office or retail functions.

- c. Commercial Uses: Automotive sales and storage, but not including automobile wrecking yards or salvage yards; parcel delivery services; repair shops– miscellaneous; sail lofts; tool or cutlery sharpening or grinding; warehousing and storage facilities; trans loading, offloading and on-site staging and assemblage of supplies and materials received at terminal, and similar uses; outdoor amusements; boat sales and service; machinery sales, rentals and services; work/live studios subject to the requirements of Section 30-15 and Zoning Administrator action to add any required conditions of approval; and plant nurseries.
 - d. Additional uses not specifically listed above which the Planning Director determines have similar impacts or characteristics to these listed uses.
- 4. Truck Traffic. All use of the site shall be limited to 50 truck trips per day.
- 5. Noise: All use of the site shall comply with the City's noise ordinance.
- 6. Hours of Operation: All use of the site shall be limited to 6:00 a.m. to 10:00 p.m. After-hours loading and unloading of trucks is not permitted.
- 7. Stacking of materials, vehicles or trailers shall be limited to 15 feet in height. An individual boat or vehicle on a single trailer may exceed 15 feet in height.
- 8. The applicant shall improve maintenance of the frontage of the Encinal properties on Buena Vista and Sherman, but excluding the City property. Improved maintenance shall include regular debris and garbage pick up and regular maintenance and pruning of vegetation.
- 9. If feasible and after consultation with staff, the applicant shall attempt to provide truck access to the Encinal Terminal site from the Del Monte Building's Sherman Street curb cut and entrance to avoid the need for trucks accessing Encinal Terminals from the west to travel down Buena Vista past the park to Entrance Road.
- 10. Permits: The applicant shall acquire all required permits from BCD, RWQCB, DTSC and other permitting agencies.
- 11. Expiration. To ensure that use of the site does not obstruct or delay redevelopment of the site consistent with the General Plan the use permit shall expire on August 3, 2012.
- 12. Leases: The applicant/property owner and his or her successors in interest shall not sign any lease for the Site during the life of the Use Permit that includes a lease term beyond the Initial Term or the term of any subsequent extensions. Any lease signed by the applicant/property owner and his or her successors in interest shall clearly specify 1) the termination date for the use permit and 2) that the applicant or property owner must request a use permit extension which may or may not be granted at least 60 days prior to the termination date of this use permit. Applicant agrees to initiate an unlawful detainer action in case the use permit expires and is not extended by the City and the use is unlawful.
- 13. Annual Review: Commencing on August 1, 2010, Encinal Terminals shall submit on

an annual basis an annual report demonstrating its good faith compliance with the terms of this Use Permit, and its efforts to complete a Master Plan for the site. The Annual Reports may be used by the Planning Board when determining whether an extension of the Use Permit is appropriate, if such an extension is requested.

14. Extensions: The Planning Board may grant extensions upon the timely written request by Encinal Terminals, if the Planning Board finds that a good faith effort is or has been made to complete the master plan for the site according to an agreed-upon time schedule, i) the term of the use permit is defined and short-term and conditions are included that describe and manage the termination of the interim use upon expiration of the use permit, ii) the interim use does not have significant or greater adverse impacts on neighboring properties than the existing uses, and iii) the requested uses or terms will not inhibit or delay adoption of a master plan, or inhibit or delay redevelopment of a the property consistent with the master plan if adopted, or the prevent achievement of the objectives of the M-X zoning district purposes.

Board Member Kohlstrand motioned, seconded by Board member Cunningham, to approve the extension of the use permit as amended, subject to the conditions as modified by the Planning Board. Motion passes 6-0-1.

Staff pointed out that the map, provided as an attachment to the agenda report, omitted the southeasterly corner of the site adjacent to the intersection of Sherman Street and Buena Vista Avenue, and the map would be modified to accurately depict all the area being rezoned to MX.

9-B Draft Master Street Tree Plan: Consideration of a new Citywide Master Street Tree Plan and recommendation to the City Council.

Staff and the consultant, a representative of Tanaka Designs, presented the Draft Master Street Tree Plan.

Board Member Kohlstrand motioned, seconded by Board Member Lynch, to limit the speaker's time to 3 minutes each.

President Ezzy Ashcraft opened the public comment period.

Mr. Wilson, Member of Coopers Hawk Nest Survey Team, spoke about the nesting habitat in Alameda of the Coopers Hawk. He requested that the Tree Plan expand policies that would coordinate tree care and maintenance during critical nesting periods.

Mr. Baker, Alameda resident, was concerned that the proposed tree species list would result in a significant reduction in the scenic quality of Alameda. He suggested that the plan also evaluate Alameda Municipal Power's future plans for installation of underground utilities.

Mr. Ratto, Executive Director Park Street Business Association, spoke about the tree removal process for projects that are located within the Park Street Business District.

Mr. Buckley, Alameda resident, submitted and discussed his comments on the Draft Plan as they pertain to tree well diameters for specific tree species, the tree planting matrix, and the tree removal rate.

Ms. Cantner, Alameda resident, spoke about the special tree and electrical maintenance district on Bay Street, with its 100-year old palm trees, and noted support for not limiting overall street tree height as this would prohibit tree-lined streets like Bay Street.

Ms. Lambden, Alameda resident, outlined the written comments she submitted on the Draft Plan.

Ms. Evans, Alameda resident and President of the Alameda County Master Gardeners Association, endorsed an effort to make hiring an arborist a priority in order to ensure that street trees receive appropriate care and guard against improper pruning by contractors. She also questioned why Alameda's own protected tree, the Coast Live Oak, was not included in the tree matrix as it is not only a drought tolerant tree, but also a native to Alameda and could be planted in ways that would minimize disruption to foundations or streetscapes.

Ms. Dimisheva, Alameda resident, raised her concerns that the Draft Plan does not provide for maintenance and tree removal procedures on as high a prioritization as tree infill and replanting. She endorsed the public-private partnership concept and noted that "Friends of Alameda's Forest" at Alamedaforest.org was an organization dedicated to the protection and preservation of Alameda's trees.

President Ezzy Ashcraft closed the public comment period.

Staff discussed the tree species matrix selection and the typical sidewalk and planter strip issues and problems that are encountered. Staff also stated the tree removal cap of 10% is a maximum and that the City's budget is presently not sufficient enough to allow this level of tree removal.

Board member Cook asked for a clarification on tree planting recommendations. Staff provided clarification on the Draft Plan's concepts and soil conditions in Alameda.

Board Member Kohlstrand commented on planting strip restrictions in relation to driveways, signs, and intersections and asked for more discussion to address community concerns.

President Ezzy Ashcraft asked that the tree selection, based on height, be modified to account for high-voltage and secondary utility lines, as was recommended by Mr. Buckley in the letter he submitted.

Board members Cook, Kohlstrand, and Cunningham asked that staff continue to be receptive of comments from the community and that the Board, continue to flush out community concerns and address them in the document. Planning Board comments should be submitted to staff no later than October 5, 2009.

Board Member Kohlstrand raised a concern with the ratio of tree removal to replacement planting. She recommended maintaining the status quo of the tree canopy. She urged that

the city prioritize hiring an arborist to oversee tree maintenance efforts. She supported public noticing and favored an approach where projects that included an approved landscape or streetscape plan are exempt from additional public notification procedures. In addition, she favored revising the tree species matrix to focus on species that are native to the area. She encouraged inter-departmental coordination so that City projects not have a negative impact on tree management efforts in the community.

Board member Cunningham requested that the results of the Draft Plan be incorporated in the Design Guidelines and applicable ordinances, like the parking ordinance that requires tree planting based on the number of parking spaces.

Board Member Kohlstrand added that she would like to see a move towards the greening of infrastructure, such as policies that encourage the use of permeable surfaces, and suggested that they be considered for inclusion in the Draft Plan.

Board Member Zuppan commended staff's efforts on this draft, and emphasized the need to maintain the tree coverage that exists today, but would like to see an economic analysis that shows what the cost implications are for a no maintenance or low maintenance approach, and incremental costs for the future. She asked what the process would be for evaluating the suitability and monitoring of the test-tree species.

President Ezzy Ashcraft stressed the need for increased public outreach through existing channels such as providing newsletters with Alameda Municipal Power and Alameda County Industries' bill statements. She also encouraged the use of volunteers to assist the City in its efforts.

Board Member Kohlstrand motioned, seconded by Board member Cunningham, to continue this to the meeting of October 12, 2009 to allow staff an opportunity to consider and address the Board's comments. Motion passes 5-0-1 (Board member Lynch had to leave early)

9-C Variance and Major Design Review – PLN08-0211, 1700 Park Street (Former Cavanaugh Motor Site) Proposed commercial buildings, including a two-story structure, remodel of existing buildings and a parking lot to be accessed from Buena Vista Avenue. The project requires a variance for a reduction in the required number of off-street parking spaces, modification to the ratio of standard to compact parking spaces, reduction in the depth of landscape areas, and modification to the distance vehicles may encroach into landscape areas.

Board Member Kohlstrand moved, seconded by Board Member Lynch to continue Item 9-C to the meeting of October 12, 2009. Motion passes 6-0.

9-D Oakland Chinatown Advisory Committee Consideration of a recommendation from the Oakland Chinatown Advisory Committee regarding environmental review of transportation impacts of redevelopment of Alameda Point on Oakland's Chinatown neighborhood.

Staff presented a report.

Board member Cook asked how traffic impacts would be addressed if the cost of mitigating such efforts would exceed what has been placed on the ballot measure. Staff responded that this issue is still being negotiated and that the type of on-site and off-site transportation improvements would be considered with the developer.

Board Member Kohlstrand asked when the election for the ballot measure would be set. Staff responded that the measure would not be voted on in 2009 and it had not been determined which election in 2010 the ballot would be added to.

Board member Cunningham motioned, seconded by Board Member Zuppan to receive the recommendations from the Oakland Chinatown Advisory Committee and begin work on the Environmental Impact Report for the redevelopment of Alameda Point. Motion passes 5-0-1.

10. WRITTEN COMMUNICATIONS:

None

11. BOARD COMMUNICATIONS:

None

12. ADJOURNMENT: **11:00 p.m.**